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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER
LITIGATION

Case No. 3:18-cv-01586-JSC

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

This Document Relates to:
Case No. 3:18-cv-01586
(A.B., C.D., E.F., G.H., and I.J.)

1 For good cause shown, the Court GRANTS Plaintiffs' Administrative Motion to File
2 Under Seal Motion with the modifications set forth in Chart's Response to Plaintiffs'
3 Administrative Motion to File Under Seal seeking to file under seal:

- 4 ➤ Portions of Plaintiffs' Motion to Exclude Expert Testimony;
- 5 ➤ Certain exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs'
6 Motion to Exclude Expert Testimony, including:
 - 7 ▪ Exhibit 1 – Expert Report of Eldon Leaphart dated November 6, 2020;
 - 8 ▪ Exhibit 2 – Excerpts from the November 18, 2020 deposition of Eldon
9 Leaphart;
 - 10 ▪ Exhibit 3 – Expert Report of John Cauthen dated November 6, 2020;
 - 11 ▪ Exhibit 4 – Excerpts from the November 24, 2020 Deposition of John
12 Cauthen;
 - 13 ▪ Exhibit 7 – Supplemental Report of Franklin Miller dated November 20,
14 2020;
 - 15 ▪ Exhibit 8 – Excerpts from the December 1, 2020 Franklin Miller deposition;
 - 16 ▪ Exhibit 9 – Second Rebuttal Report of Franklin Miller dated December 11,
17 2020;
 - 18 ▪ Exhibit 13 – Bates-stamped document MSO005378-MSO005380; and
 - 19 ▪ Exhibit 14 – Pacific MSO, LLC's Response to Defendant Chart, Inc.'s
20 Subpoena for 30(b)(6) Deposition by Written Questions, dated October 23,
21 2020; and
 - 22
 - 23
 - 24
 - 25
- 26 ➤ Portions of Plaintiffs' Proposed Order to Exclude Expert Testimony.
- 27
- 28

The Court hereby ORDERS that the following portions of Plaintiffs' Motion to Exclude Expert Testimony are to be maintained under seal:

Page	Lines	Designating Party
1	19-20 (iv and v)	Chart, Inc.
2	2:10-12.	Chart, Inc.
3	3:1.	Chart, Inc.
5	5:24-28a.	Chart, Inc.
6	6:1.	Chart, Inc.
6	6:3-6, 9.	Chart, Inc.
6	6:18.	Chart, Inc.
6	6:28.	Chart, Inc.
7	7:1.	Chart, Inc.
7	7:17-18, 23-25.	Chart, Inc.
16	16:2-7.	Chart, Inc.
17	17:8-15.	Chart, Inc.
17	17:24-28.	Chart, Inc.
18	18:1-2.	Chart, Inc.
18	18:4-5.	Chart, Inc.
18	18:18-25.	Chart, Inc.
19	19:1-4.	Chart, Inc.
19	19:20-26.	Chart, Inc.
20	20:1-10.	Chart, Inc.
20	20:11-21.	Chart, Inc.
20	20:20-21.	Chart, Inc.
21	21:4-6.	Chart, Inc.
22	22:2	Chart, Inc.

The Court hereby ORDERS that the following portions of the exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Motion to Exclude Expert Testimony are to be maintained under seal:

Exhibit	Designations	Designating Party
1	p. 1, Summary of Opinions, No. 1-4; p. 7 (excluding ¶1); p. 8, 4.1, ¶¶2-5; pp.10-32; p. 35, ¶¶ 6.1, 6.2; p. 36, ¶¶ 6.3, 6.4; and	Chart, Inc.

	p. 38, ¶1.	
2	(Page:Lines) 27:7-20; 73:13-23; 76:10-25; pp. 77-83; 138:3-25 pp. 149-151; 152:17-25; pp. 153-158; and 159:1-11.	Chart, Inc.
3	p. 4, “Findings,” No. 1-4; pp. 8-12, ¶III.A; and p. 23, “Conclusion,” No. 1-4.	Chart, Inc.
4	(Page:Lines) 58:21-25; and 59:1-24.	Chart, Inc.
7	p. 4, ¶III.E(3); pp. 6-7, ¶IV.B; p. 8, Section V; pp. 12-22: ¶VI.B (incl. Figures 4-13); and p. 23, Section VIII.	Chart, Inc.
8	(Page:Line) 107:9-25; 108:1-25; 109:19-25 pp. 110-114; 115:1-13; 122:19-25; pp.123-141; 142:1-19; 143:10-25; p. 144; 145:1-12; 149:19-25; pp.150-152; 176:1-25; 177:1-2; 215:22-25; p. 216;	Chart, Inc.

	217:1-18; 234:19-25; p. 235; 236:1-16; 238:23-25; and 239:1-3.	
9	pp. 2-11 (incl. Figures 1-11).	Chart, Inc.
13	Under Seal in Full	Pacific MSO LLC
14	Under Seal in Full	Pacific MSO LLC

The Court hereby ORDERS that the following portions of the Proposed Order to Exclude Expert Testimony are to be maintained under seal:

Page	Line(s)
1	7-10, 16-21

IT IS SO ORDERED.

Dated: _____

The Honorable Jacqueline Scott Corley